



Legislation Details (With Text)

File #: 13-0261 **Version:** 0 **Name:** Minors - Curfew Reform
Type: Ordinance **Status:** Enacted
File created: 9/9/2013 **In control:** City Council
On agenda: **Final action:** 6/9/2014
Enactment date: **Enactment #:** 14-231
Title: Minors - Curfew Reform

FOR the purpose of changing the hours that minors of various ages are subject to a curfew; deleting exemptions from the curfew for married minors and minors on an errand for a parent; allowing for the stay of certain citations if counseling sessions are attended; requiring regularized annual reporting from the Police Commissioner on the effects of the curfew for minors; clarifying and conforming related provisions; and generally relating to a curfew for minors.

Sponsors: Brandon M. Scott, James B. Kraft, Bill Henry, Warren Branch, William H. Cole, IV, Edward Reisinger, Nick Mosby, President Young, Sharon Green Middleton, Helen L. Holton, William "Pete" Welch

Indexes: Curfew, Minors, Reform

Code sections:

Attachments: 1. 13-0261 - 1st Reader.pdf, 2. Youth Commission - 13-0261.pdf, 3. State's Attorney - 13-0261.pdf, 4. Law - 13-0261.pdf, 5. BCPD - 13-0261.pdf, 6. Social Services - 13-0261.pdf, 7. 13-0261 - Enrolled 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/9/2014	0	Mayor	Signed by Mayor	
6/2/2014	0	City Council	Amended	
6/2/2014	0	City Council	Advanced to Enrolled 3rd Reader	
6/2/2014	0	City Council	Approved and Sent to the Mayor	
5/12/2014	0	Public Safety Committee	Recommended Favorably with Amendment	
5/12/2014	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
4/29/2014	0	Public Safety Committee	Scheduled for a Public Hearing	
11/4/2013	0	Public Safety Committee	Scheduled for a Public Hearing	
9/12/2013	0	The City Council	Referred for a Report	
9/12/2013	0	The City Council	Referred for a Report	
9/12/2013	0	The City Council	Referred for a Report	
9/12/2013	0	The City Council	Referred for a Report	
9/12/2013	0	The City Council	Referred for a Report	
9/9/2013	0	City Council	Assigned	
9/9/2013	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Scott

A BILL ENTITLED

AN ORDINANCE concerning
Minors - Curfew Reform

FOR the purpose of changing the hours that minors of various ages are subject to a curfew; deleting exemptions from the curfew for married minors and minors on an errand for a parent; allowing for the stay of certain citations if counseling sessions are attended; requiring regularized annual reporting from the Police Commissioner on the effects of the curfew for minors; clarifying and conforming related provisions; and generally relating to a curfew for minors.

BY repealing and reordaining, with amendments
Article 19 - Police Ordinances
Section(s) 34-3 to 34-6, 34-8(a), 34-9, and 34-10
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 34. Minors - Daytime and Nighttime Curfews

§ 34~~3~~ Prohibited conduct of minors - nighttime curfew.

(a) Scope of section.

This section does not apply to a minor:

- (1) accompanied by the minor's parent;
- (2) [on an errand at the direction of the minor's parent, without any detour or stop] EXERCISING FIRST AMENDMENT RIGHTS PROTECTED BY THE UNITED STATES CONSTITUTION, SUCH AS THE FREE EXERCISE OF RELIGION, FREEDOM OF SPEECH, OR THE RIGHT OF ASSEMBLY;
- (3) in a motor vehicle involved in interstate travel;

- (4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a nextdoor neighbor if the neighbor did not complain to the Police Department about the minor's presence; OR
- (7) attending or, without any detour or stop, going to or returning from an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Baltimore, a civic organization, or another similar entity that takes responsibility for the minor[;
- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) who is or has been married].

(b) Prohibited conduct - MINORS AGED LESS THAN 14 YEARS OLD.

NO MINOR LESS THAN 14 YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR ANY ESTABLISHMENT BETWEEN THE HOURS OF 9 P.M. ON ANY DAY AND 6 A.M. OF THE FOLLOWING DAY.

[No minor may remain in or about any public place or any establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.]

(C) PROHIBITED CONDUCT - MINORS AGED AT LEAST 14 BUT LESS THAN 17 YEARS OLD.

(1) FROM AND INCLUDING 12:01 A.M. ON THE FRIDAY PRECEDING MEMORIAL DAY EACH YEAR THROUGH 12 MIDNIGHT OF THE LAST SUNDAY OF AUGUST EACH YEAR, NO MINOR AT LEAST 14, BUT LESS THAN 17, YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR ANY ESTABLISHMENT BETWEEN THE HOURS OF 11 P.M. ON ANY DAY AND 6 A.M. OF THE FOLLOWING DAY.

(2) FOR THE REMAINDER OF THE CALENDAR YEAR, NO MINOR AT LEAST 14, BUT LESS THAN 17, YEARS OF AGE MAY REMAIN IN OR ABOUT ANY PUBLIC PLACE OR ANY ESTABLISHMENT:

(I) BETWEEN THE HOURS OF 11 P.M. ON A FRIDAY AND 6:00 A.M. OF THE FOLLOWING SATURDAY;

(II) BETWEEN THE HOURS OF 11 P.M. ON A SATURDAY AND 6:00 A.M. OF THE FOLLOWING SUNDAY; OR

(III) BETWEEN THE HOURS OF 10 P.M. AND 6 A.M. OF THE FOLLOWING DAY, ON ANY OTHER DAY OF THE WEEK

§ 344. Prohibited conduct of minors - daytime curfew.

(a) In general.

Except as otherwise provided in subsection (b) of this section, no minor under the age of 16 may remain in or about any public place or any establishment between the hours of [9 a.m. and 2:30 p.m.] 8 A.M TO 3 P.M. on any day during which the minor is required to be in school.

(b) Exceptions.

Subsection (a) of this section does not apply if:

- (1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or
- (2) the minor is accompanied by the minor's parent or by a person 21 years old or older.

§ 345. Prohibited conduct of parents, guardians, etc.

[(a) Nighttime curfew.

It is unlawful for the parent of any minor to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
- (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
- (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.

(b) Daytime curfew.

It is unlawful for the parent of any minor under the age 16 to knowingly permit or, by insufficient control, to allow that minor to be in or about any public place or any establishment between the hours of 9 a.m. and 2:30 p.m. on any day during which the minor is required to be in school.

(c) Construction.

This section is to be read in conjunction with § 343 {"Prohibited conduct of minors - nighttime curfew"} and § 344 {"Prohibited conduct of minors - daytime curfew"} of this subtitle.]

IT IS UNLAWFUL FOR THE PARENT OF ANY MINOR TO KNOWINGLY PERMIT OR, BY INSUFFICIENT CONTROL, TO ALLOW THAT MINOR TO BE IN OR ABOUT ANY PUBLIC PLACE OR ANY ESTABLISHMENT IF THAT MINOR'S PRESENCE WOULD VIOLATE § 343 {"PROHIBITED CONDUCT OF MINORS - NIGHTTIME CURFEW"} OR § 344 {"PROHIBITED CONDUCT OF MINORS - DAYTIME CURFEW"} OF THIS SUBTITLE.

§ 346. Prohibited conduct of establishments.

[(a) Nighttime curfew.

No operator of an establishment or his agents or employees may knowingly permit any minor to remain on the premises of that establishment:

- (1) between the hours of 12:00:01 a.m. Saturday and 6 a.m. Saturday;
 - (2) between the hours of 12:00:01 a.m. Sunday and 6 a.m. Sunday; or
 - (3) between the hours of 11 p.m. and 6 a.m. of the following day, on any other day of the week.
- (b) Daytime curfew.

No operator of an establishment or his agents or employees may knowingly permit any minor under the age of 16 to remain on the premises of that establishment between the hours of 9 a.m. and 2:30 p.m. on any school day, unless:

- (1) the minor has written proof from school authorities excusing his or her attendance at that particular time; or
 - (2) the minor is accompanied by the minor's parent or by a person 21 years old or older.
- (c) Construction.

This section is to be read in conjunction with § 343 {"Prohibited conduct of minors - nighttime curfew"} and § 344 {"Prohibited conduct of minors - daytime curfew"} of this subtitle.]

NO OPERATOR OF AN ESTABLISHMENT OR HIS AGENTS OR EMPLOYEES MAY KNOWINGLY PERMIT ANY MINOR TO REMAIN ON THE PREMISES OF THAT ESTABLISHMENT IF THAT MINOR'S PRESENCE WOULD VIOLATE § 343 {"PROHIBITED CONDUCT OF MINORS - NIGHTTIME CURFEW"} OR § 344 {"PROHIBITED CONDUCT OF MINORS - DAYTIME CURFEW"} OF THIS SUBTITLE.

§ 348 Enforcement generally.

- (a) Identification.

If a police officer has reason to believe that a minor is in violation of § 343 {"Prohibited conduct of minors - nighttime curfew"} or § 344 {"Prohibited conduct of minors - daytime curfew"} of this subtitle, the police officer shall seek to obtain from the minor:

- (1) the minor's name, address, SCHOOL OR OTHER VALID IDENTIFICATION, and age; and
- (3) the name of the minor's parent or parents.

§ 349 Penalties.

- (a) Parents, guardians, etc.

(1) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle for the 1st time may be issued:

- (i) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}; or

(ii) [a warning, that a subsequent violation of this subtitle could result in the imposition of both civil and criminal penalties] IF THE PARENT AGREES TO ATTEND FAMILY COUNSELING SESSIONS WITH THE MINOR AT AN AGENCY APPROVED BY THE CITY OF BALTIMORE, A NOTICE THAT A CIVIL CITATION WILL BE ISSUED IF THE COUNSELING SESSIONS ARE NOT COMPLETED.

(2) A parent who violates § 34-5 {"Prohibited conduct of parents, guardians, etc."} of this subtitle after having received notice under § 34-8 {"Enforcement"} of a prior violation or after having been issued a civil citation or a [warning] NOTICE under paragraph (1) of this subsection for a prior violation is guilty of a misdemeanor and, on conviction, is subject to 1 or more of the following, in the discretion of the court:

- (i) a fine not to exceed [\$300] \$500 and costs;
 - (ii) imprisonment for not more than 60 days; and
 - (iii) community service.
- (b) Operator of establishment.

Any operator of an establishment and any agent or employee of any operator who violates any provision of § 34-6 {"Prohibited conduct of establishments"} of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$500 for each violation.

(c) Separate offenses.

Each violation of a provision of this subtitle constitutes a separate offense.

§ 34-10. Continuing evaluation.

The Mayor and City Council shall continue evaluating and updating this subtitle through methods including but not limited to:

(1) [Within 6 months after July 27, 1995,] ANNUALLY, ON OR BEFORE FEBRUARY 1ST OF EACH YEAR, the Police Commissioner [shall] MUST report to the Mayor and City Council:

- (i) on the effect of this subtitle on crimes committed by and against minors;
- (ii) [of]the number of warnings issued and arrests of minors, parents, and operators hereunder; and
- (iii) such other information as the Mayor and City Council may request.

(2) On a regular basis, the Mayor and City Council shall receive informal reports of all exceptional cases hereunder and advisory opinions for consideration in further updating and continuing evaluation of this subtitle.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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